



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

Novotech, Inc.
916 Main Street
Acton, MA 01720

Re: BWP – Acton
FMF ID# 320600

Attention: Michael S. Hulen, President

NOTICE OF ENFORCEMENT CONFERENCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO RESPOND TO THIS
NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Dear Mr. Hulen:

Department personnel observed during an inspection of Novotech, Inc. on November 10, 2004, activity not in compliance with one or more laws, regulations, orders, licenses, permits or approvals enforced by the Department. The noncompliance included:

HAZARDOUS WASTE

1. The Company had not determined whether the wastes it generates are hazardous, in violation of 310 CMR 30.302. Specifically, the Company had 55-gallon and 5-gallon containers of waste solvents, germanium and gallium arsenide slurries, and GaAs wastewaters that were not characterized.
2. The Company's Hazardous Waste area was not marked, in violation of 310 CMR 30.353 (6)(h) and 310 CMR 30.341(5). Specifically, waste oil and cutting fluids/solvents were accumulated in one area with no demarcation between them and non-hazardous materials and empty containers.
3. The Company was accumulating Waste Oil in satellite containers which were open and not properly managed, in violation of 310 CMR 30.253(6)(c), 310 CMR 30.353(6)(g), and 310 CMR

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057.

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30.685(1). Specifically, an open bucket of waste oil was observed at the compressor in the receiving room.

4. The Company's Waste Oil accumulation containers were not properly labeled, in violation of 310 CMR 30.253(6)(c), 310 CMR 30.353(6)(g) and 310 CMR 30.682. Specifically, small containers of used oil in the accumulation area and at the cutting machines and compressor were not labeled.

INDUSTRIAL WASTEWATER

5. The Company was discharging industrial wastewater from a germanium cutting operation to the ground water via a septic system, in violation of 314 CMR 5.00, 310 CMR 15.004(5) and 310 CMR 15.004(7). The Company estimates that 20 gallons per week were discharged for six months, dating back to when the IWW connection to the septic system was made.

The Department intends to take enforcement action in response to your noncompliance. Possible actions include issuance by the Department of an ENFORCEMENT ORDER, a CIVIL ADMINISTRATIVE PENALTY and/or referral of the matter for the ATTORNEY GENERAL'S OFFICE, CIVIL OR CRIMINAL PROSECUTION. Prior to proceeding with enforcement action, the Department requests that you attend an enforcement conference at this office on the following date and time:

LOCATION: Department of Environmental Protection
627 Main Street
Worcester, Massachusetts 01608

Concord Conference Room

DATE: February 1, 2005

TIME: 1:15 PM

The purpose of the enforcement conference is (1) to provide you with the opportunity to discuss the alleged violations; (2) to allow the Department to gather additional information concerning the violations; (3) to discuss solutions to ensure your return to compliance; and (4) to begin to define the terms of an agreement, including any penalty conditions of a final enforcement document. By copy of this letter to the local board of health and hazardous waste coordinator, the Department is informing those local authorities of this enforcement conference but they will not be participants in the meeting.

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The Department believes that the prompt resolution of this enforcement case in a manner which ensures your expeditious return to compliance and that resolves all penalty issues is beneficial and consistent with the Department's environmental protection goals. Prompt settlement may also decrease the resources you and the Department might expend on protracted litigation of the issues.

If you either do not attend the enforcement conference or do not reach a negotiated settlement, the Department will initiate appropriate enforcement action and you will have limited, if any, further opportunity to reach a negotiated settlement of this case.

Please contact Giles Steele-Perkins at (508) 767-2767 to confirm your attendance at the enforcement conference or if you have any questions. If you will be attending the enforcement conference with counsel, please let us know so that Department counsel may attend as well.

Very truly yours,



John F. Kronopolus
Section Chief
Bureau of Waste Prevention

1/18/05
DATE

JFK/GS-P

cc: ✓ Acton Board of Health